

REMARKS

In the outstanding office action referenced above, the examiner has made a number of 35 U.S.C. §112, second paragraph, rejections of various of the claims. Applicant has amended all of the claims in question to address these informalities. However, the examiner will note that claims 21 and 22 (along with claims 19 and 20) have been cancelled, thus obviating these particular grounds of rejection. The examiner will further note that claims 14, 24 and 26 have been amended to both address the respective informalities and also to make them independent claims.

Applicant submits that these amendments obviate all outstanding grounds of §112 rejection, and respectfully requests the examiner to withdrawn them.

The examiner has also made a number of objections to the drawings, mostly on the grounds that they include reference numerals not mentioned in the description. Accordingly, Applicant has submitted herewith proposed drawing changes to Figures 1-6 and Figure 8 to delete the superfluous reference numerals. Accordingly, Applicant respectfully requests the examiner to withdraw the drawing objections.

Applicant hereby thanks the examiner for withdrawing the election of species portion of the restriction requirement. Applicant also thanks the examiner for indicating that claim 18 would be allowable if written in independent form to incorporate the base claim and any intervening claims. Accordingly, Applicant has amended claim 18 to make it an independent claim, thereby putting it in condition for allowance. Applicant further notes that claims 14-15 and 24-26 (previously restricted out) also stand objected to and could be put in condition for allowance. Accordingly, Applicant has rewritten both claims 14 and 24 (as well as claim 26) to make them independent claims and also to overcome all grounds of §112 rejection.

Accordingly, Applicant respectfully requests the examiner to indicate the allowability of claims 14, 15, 18 and 24-26.

The examiner has rejected claims 1-2, 5-6, 9, 12-13, 16-17 and 19-23 under 35 U.S.C. §102(b) as anticipated by Robertson. Of course, as mentioned previously, Applicant has cancelled claims 19-22. Additionally, the examiner has rejected claims 1-3, 6-13 and 16-17 as anticipated by Appelberg. Also, he has rejected claims 1, 3, 4, 5 and 19-23 as anticipated by Tetyak. Finally, he has rejected claim 4 as anticipated by Chambers.

In this amendment, Applicant has amended claim 1 to add the further recitation “wherein the at least one packing member comprises a rigid cross-bar and, said deformable portion is in the form of an elastomeric jacket surrounding said cross-bar.” The examiner will note that all of the rejected claims ultimately depend upon claim 1. Accordingly, if claim 1 is no longer anticipated by any of the cited references, then it, as well as all of the other claims rejected under §102(b), should be considered allowable. With regard to Robertson, if element 1 of Robertson is read as comprising a packing member and rubber part 4 is read broadly as defining an elastomeric jacket, then the structure disclosed in Robertson does not teach or suggest element 4 being an elastomeric jacket that surrounds a packing member in the form of a cross-bar. Furthermore, there is nothing in Robertson’s specification that would motivate one of skill in the art to make this modification. Accordingly, the claims as amended are patentable over Robertson.

Support for these amendments is found in the specification at numerous places, such as, for example: page 5, lines 13-14; page 8, lines 19-22; page 9, lines 7-9; and Figure 8.

With regarding to Appelberg, the examiner has read “one of the straps 13” as constituting a packing member. According to that reading, this element would not meet the recitation of the amended claim which requires the packing member to comprise “a rigid

cross-bar.” Furthermore, there is no disclosure in Appelberg of any member which would constitute an elastomeric jacket which surrounds anything like a cross-bar. Again, no one of skill in the art having access to Appelberg’s teachings would be motivated to make the necessary additions and modifications. Therefore, the claims as amended are patentable over this reference.

With regard to the Tetyak patent, the examiner reads element 34 as constituting a packing member with a resilient deformable portion. He reads element 4 as defining a broadly claimed jacket.

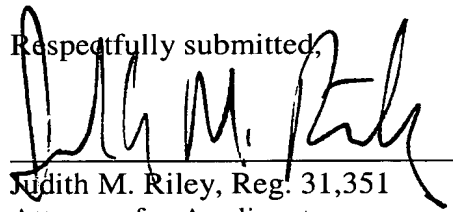
Applicant notes that there is no element 4 disclosed in Tetyak. Perhaps the examiner meant the “plurality of surrounding bands 40”? In any case, Tetyak’s packing member 34 is nothing more than a resilient, semi-cylindrical liner (column 3, lines 3-8) and cannot be fairly read as a rigid cross-bar. Furthermore, it does not appear that the plurality of surrounding bands 40 (if that is what the examiner meant) could possibly constitute an elastomeric jacket which surrounds the cross-bar as required by the claim. Once more, there is nothing in this reference, or in any of the prior art of record, which would motivate one of skill in the art to make the requisite modification. Accordingly, the claims are patentable over the Tetyak reference.

Finally, with regard to Chambers, the excelsior straps 3 which the examiner reads as constituting the claimed packing member cannot possibly meet the additional recitation of the packing member constituting a rigid cross-bar as required by the amended claim. Furthermore, Chambers also does not disclose anything remotely resembling an elastomeric jacket surrounding the cross-bar. Thus, claim 4 is neither anticipated by nor rendered obvious by Chambers and is in condition for allowance.

Applicant submits that all of the claims are now in condition for allowance and respectfully requests expeditious notice thereof. The claims have been amended to overcome all grounds of §112 and §102 rejection, and the objected-to claims have been amended to meet the requirements for allowability. Furthermore, Applicant has submitted proposed drawing changes to obviate the drawing objections. Accordingly, the case should be considered in condition for allowance.

Should the examiner have any additional questions, comments or suggestions for improved clarity, Applicant respectfully requests him to contact the undersigned attorney at the office number below.

Respectfully submitted,


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Enclosures

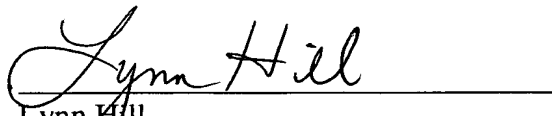
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Lynn Hill